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12 *Attorneys for Plaintiff*

13
14 **UNITED STATES DISTRICT COURT**

15 **FOR THE DISTRICT OF NEVADA**

16 CHARDE EVANS, on behalf of herself, and all
17 others similarly situated,

18 Plaintiff,

19 v.

20 WAL-MART STORES, INC., and DOES 1
21 through 50, Inclusive,

22 Defendants.

Case No. 2:10-cv-01224-JCM-VCF

**PLAINTIFF'S MOTION TO VACATE
STATUS CONFERENCE SET FOR
SEPTEMBER 15, 2017**

Date: September 15, 2017

Time: 10:00 a.m.

Judge: Magistrate Ferenbach

Judge: Hon. James C. Mahan

1 Plaintiff respectfully requests that this Court vacate the Status Conference scheduled
2 for September 15, 2017 at 10:00 a.m. because the Nevada Supreme Court has yet to issue its
3 decision in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup. Ct. No.
4 70696.

5 Dated: September 11, 2017

Respectfully submitted:

6 THIERMAN BUCK LLP

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8 By: s/Joshua D. Buck

Joshua D. Buck

9 Attorneys for Plaintiff and the Class

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 This Court granted Wal-Mart's motion to stay the case pending the Nevada Supreme
12 Court's decision in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup.
13 Ct. No. 70696 ("*Neville*"). See ECF No. 91.

14 Counsel for Plaintiff is also counsel for Petitioner in the *Neville* action.¹ The Nevada
15 Supreme Court heard oral argument on Neville's Petition on July 17, 2017.² As of the date of
16 filing this Motion, the Nevada Supreme Court has not issued its decision in *Neville*. Counsel
17 for Plaintiff expects a decision in *Neville* in the next few months. Upon issuance of a decision
18 in *Neville*, Counsel for Plaintiff will provide this court with a Notice of Decision no later than
19 seven (7) days after the issuance of the decision by the Nevada Supreme Court.

20 Dated: September 11, 2017

Respectfully submitted:

21 THIERMAN BUCK LLP

22
23 By: s/Joshua D. Buck

Joshua D. Buck

24 Attorneys for Plaintiff and the Class

25 ¹ The *Neville* docket can be found at:

26 <http://caseinfo.nvsupremecourt.us/public/caseView.do;jsessionid=02F070F991ECE4DADD4507D238D0986D?csIID=39913> (last visited Aug. 16, 2017).

27 ² An audio transcript of the oral argument in *Neville* can be found at:

28 [http://nvcourts.gov/Supreme/Arguments/Recordings/NEVILLE,_JR_VS_DISTRICT_COURT_\(TERRIBLE_HERBST,_INC_\)/](http://nvcourts.gov/Supreme/Arguments/Recordings/NEVILLE,_JR_VS_DISTRICT_COURT_(TERRIBLE_HERBST,_INC_)/) (last visited Aug. 16, 2017).

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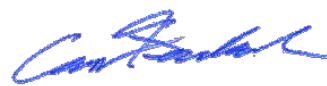
[PROPOSED] ORDER

Plaintiff's Motion to Vacate the September 15, 2017 Status Conference is GRANTED.

Plaintiff shall file a Notice of Decision within seven (7) days after the Nevada Supreme Court's ruling in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup. Ct. No. 70696.

IT IS SO ORDERED.

September 12
DATED: _____, 2017



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE